

Response to Arguments

1. Applicant's arguments filed 4/7/06 have been fully considered but they are not persuasive. Applicant argues that locating the channels at different elevations is a novel concept and unobvious. Examiner disagrees. One of ordinary skill is well aware that more spray channels located in different areas will provide a greater cleaning effect than one channel located in one area. Examiner maintains that the elevation and location are considered to be variables that can be modified through routine experimentation. Furthermore, applicant has failed to present an unexpected or unobvious result.
2. In regards to manual releasable channels, Pacella teaches that the channel covers can be removed. Miliotis teaches that shape and conformation. It appears as if the applicant is only considering Miliotis, not the combination of Pacella, '044, and Miliotis. Miliotis clearly teaches U-shaped panels that matingly engage with a channel.
3. Thus, the previously presented prior art is still found to read on the applicant's invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 25, 28-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Pacella in view of DE 20007044 ('044) . Pacella discloses a dishwasher comprising a bottom, top, and walls that collectively form an interior of the washing machine. Figure

Art Unit: 1711

7 shows a spraying device comprising a channel 148 to guide washing liquid that is tubular and has two open ends. The cross-section is rectangular. The channel cover is fixably mounted. The channel is integrated into at least the bottom of the interior 126. Openings 152 function as nozzles to spray fluid into the interior. The device includes a pump 140, which reads on mechanical means to control pressure. The device is believed to be capable of operating at various pressures, a feature which is regarded as intended use of the apparatus. The cross sections of 148 are rectangular with rounded edges. The cover plate is fixed by means such as screws, thus it can be considered manually releasable and fixably secured. Pacella shows the upper portion of the channel being recessed from the bottom of the wash container by about a centimeter (figure 7). Examiner finds little novelty in the limitation "substantially continuous planar surface" and believes that a simple rearrangement of parts would be obvious to one of ordinary skill. Furthermore, washing systems are known in which nozzle holes are integrated at least into the bottom area of a washing container, such nozzles accessible by spray channels. '044 teaches a washing system where outlet nozzles 4 are integrated with the bottom and wall areas of a washing machine. It would have been obvious to one of ordinary skill at the time of invention to modify the base portion of Pacella with nozzles, as taught by '044, in order to deliver fluid to the articles to be washed thus arriving at the claimed invention. It is also believed to be obvious to one of ordinary skill to locate the manifold cover of Pacella's channel in the same plane as the bottom of the wash tank, as '044 teaches that it is known to have nozzles flush with the bottom surface of the washing machine.

Art Unit: 1711

6. The shape of the cross-section is not considered to be a patentably distinct invention. Changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966).

7. The location of the spray channels along a multi-planar surface is considered to be a rearrangement that can be optimized through routine experimentation, as it only requires a relocation of the previously disclosed parts of Pacella and '044. Absent a showing of unexpected results, said modification is believed to be well within the skill of one practicing the art. Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955). Furthermore, one of ordinary skill realizes that additional spray arms at various locations and angles improve the thoroughness of cleaning. Such arrangements do not depart from the scope of Pacella and only change the number and location of the channel.

8. Claims 13-15, 17-18, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Pacella in view of DE 20007044 ('044) and further in view of Miliotis. Pacella and '044 do not teach U-shaped channels. Miliotis teaches manually releasable U-shaped channels with legs that fit into grooves (figures 4 and 5). It would have been obvious at the time of invention to modify Pacella in view of '044, as stated above, and further use U-shaped manifolds located in the spray channel in order to deliver fluid to the dishes to be washed. In regards to claims 24, the bending of the free ends is not considered to be a patentably distinct feature. It is common in the art to bend free ends of objects that may be sharp in order to prevent the exposure of a sharp end to the user. Thus, the inclusion of a bent, rounded, or soft free end is considered to be well within the skill of

Art Unit: 1711

one practicing the art for its obvious benefits. Absent a showing of unexpected results, such a modification is considered to be obvious.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1711

JMH